

## **Remarks**

### **I. Introduction**

This Amendment supersedes the amendment mailed June 26, 2006, and is responsive to the notice of non-compliant amendment.

Claims 14-19, 24/14, and 27 are pending in the present application. The Examiner has recited several grounds for objecting to and rejecting the present application. Examiner objected to the drawings for not including representations to the angular disposition of second section of the fatigue/relieving apparatus. In view of this objection to the drawings, the Examiner objected to the specification. The Examiner also has objected to claims 14-19, 24/14, and 27 for indefiniteness under 35 U.S.C. 112, second paragraph. Lastly, the Examiner rejected pending claims 14-19, 24/14 and 27 under 35 U.S.C. 102(b) for anticipation based on either Van Arsdell, U.S. Patent No. 2,118,540; Anson, U.S. Patent No. 2,134,020; or Laubach, U.S. Patent No. 1,575,848. Applicant will demonstrate herein that the objections and rejections have been overcome by this Response, thereby placing the present application in condition for allowance.

### **II. The Corrected Drawings Overcome the Examiner's Objection**

On page 3 of the Office Action, the Examiner objected to the drawings because "each part of the invention, e.g., the angle and the face in claim 14 should be designated by a reference numeral or character." Applicant has corrected the drawings as requested by the Examiner (Attachment B). Applicant respectfully submits six (6) Replacement Sheets of drawings. These changes to the drawings do not add new matter. As such, Applicant has traversed the Examiner's basis for objection to the drawings.

### **III. The Specification, As Amended, Overcome the Examiner's Objection**

On page 4 of the Office Action, the Examiner objected to the specification for "failing to provide proper antecedent basis for the claimed the subject matter, such as, 'an angle,' in claim 14." Applicant has amended the specification to overcome this objection.

These amendments do not add new matter. Therefore, this objection should be withdrawn.

#### **IV. The Claims, As Amended Are Definitive.**

On page 3 of the Office Action, the Examiner contends that the terms “rigid,” “semi-rigid,” “flexible,” or “non-deformable” in claims 14 and 17 are indefinite. Applicant submits that these terms would be understood by a person of ordinary skill in the art in light of the present invention.

The Examiner contends that 14 and 17 are indefinite under 35 U.S.C. §§ 112, second paragraph, because of the recitation of the terms “rigid,” “semi-rigid,” “flexible,” and “non-deformable.” In particular, the Examiner asserts that these terms are indefinite because these terms “[are] not defined by the claim, the specification does not provide a standard for the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.” Further, the Examiner contends that “it is unclear what range of Rockwell hardness of the material of the second section is required in order to be considered as terms “rigid,” semi-rigid, or flexible, or non-deformable.” Applicant submits that the claims are definite as will be shown.

Claims 14 and 17, include the terms “rigid,” “semi-rigid,” “flexible,” and “non-deformable.” Applicant has attached as Attachment A excerpts from the Ninth New Collegiate Dictionary. These excerpts demonstrate that each of the terms that the Examiner has contended is indefinite is a very common term that a person of ordinary skill in the art would understand with sufficiency to make and use the present invention. The attached excerpts make plain that a person of ordinary skill in the art would clearly understand the scope of the claims when “rigid,” “semi-rigid,” or “flexible,” or “non-deformable,” is used. As such, claims 14 and 17 would be definite in the hands of a person of ordinary skill in the art. Noting this, Applicant overcomes the Examiner’s indefiniteness rejection under 35 U.S.C. § 112, second paragraph, as to the use of the terms “rigid,” “semi-rigid,” “flexible,” and “non-deformable,” and respectfully requests that this rejection be withdrawn with regard to claims 14 and 19.

The Examiner also rejected claims 15 and 17 for allegedly having no anticipated basis for the terms “a steering wheel” and “a peripheral portion of the steering wheel,”

respectively. Applicant has amended the claims to remove any possible confusion on the part of the Examiner with regard to overcoming this obviousness rejection.

Noting the foregoing, Applicant has traversed each of the Examiner's basis for rejecting the claims for indefiniteness under 35 U.S.C. 112, second paragraph.

**V. Claims 14-19 Are Not Anticipated Under 35 § U.S.C. 102(b)**

Claims 14-19, 24/14 and 27 are pending in the present application. In the current Office Action, claims 14-19, 24-14 and 27 have been rejected by the Examiner for anticipation under 35 U.S.C. § 102 (b) based on a three references. These references are U.S. Patent No. 1,575,848 to Laubach ("Laubach"), U.S. Patent No. 2,118,540 to Van Arsdel ("Van Arsdel"), and U.S. Patent No. 2,134,020 to Anson ("Anson"). More specifically, the Examiner relied on Van Arsdel or Anson for rejecting claims 14-17, 19/17, 24/14 and 27; and Laubach for rejecting claims 14, 18 and 19/18. Hereinafter, Applicant will demonstrate that claims 14-19, 24/14, and 27, as presently amended, place the present application in condition for allowance and the application should be passed to issue.

**A. Applicable Law**

In order for there to be anticipation under 35 U.S.C. §102, a single prior art reference must show each and every feature of the claimed invention in the same way. . *Brown v. 3M*, 265 F.3d 1349, 1351 (Fed. Cir. 2001) ("To anticipate, every limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim"); *Kloster Speedsteel AB v. Crucible, Inc.*, 793 F.2d 1565, 1571 (Fed. Cir. 1986) ("absence from the reference of any claimed element negates anticipation"). Applicant submits that neither Van Arsdel, Anson, nor Laubach satisfy this standard for finding anticipation under 35 U.S.C. § 102(b).

**B. Van Arsdel Does Not Anticipate Claims 14-19, 24/14, and 27**

Claim 14 is an independent claim and claims 15-19, 24/14, and 27 depend from claim 14. As such, claims 15-19, 24/14, and 27 add features to claim 20.

In relying on Van Arsdel, the Examiner does not cite to any descriptions of the auto steering wheel handgrip disclosed in this reference but annotates the drawings for this purpose. Specifically, the Examiner annotated Figures 3 and 5 in an attempt to show

what is being claimed in claim 14. The Examiner states that reference no. 4 equates to the first section and reference no. 2 equates to the second section of claim 14. Applicant submits that the Examiner fails to consider and appreciate all of the elements of the second section because if he did, two things would be clear (i) the grip-rest is in a plane parallel with the one across the face of the steering wheel and (ii) there is a missing element.

Van Arsdel at column 2, lines 13-54 states:

The grip-rest 2 is concave longitudinally and about half of the rest extends over and part way across the steering wheel rim 3 in a manner to slope downwardly and inwardly of the rim. The outer edge 4 on the side, and 5 of the rear end of the concave, located above the rim, extends up into a marginal flange to be contacted by the inside of the ball of the thumb or by the bottom of the hand, depending upon which part of the hand is seated on the rest. These flanges 4 and 5 enable the operator instantly to feel any deviation of the car from a straight course and gives him something substantial to push against in resistance and also in rotating the wheel to steer the car around corners and curves and away from obstructions or bad places in the roadway.

The rotation of the steering wheel by hand pressure against the flanges 4 and 5 is assisted by the palm and fingers, which are wrapped around the rim of the wheel, and increase the fingerhold [on] the grip-rest 2, which is thickened and bifurcated to straddle the rim as shown in Fig. 6, is provided with recesses separated by ridges, here shown as three in number, 6, 7, and 8.... [See Figure 4]

The weight of the hand and arm are comfortably supported with the bottom of the hand resting in the concavity of the grip-rest as shown in Fig. 1, or with the ball of the thumb seated in the concavity as shown in Fig. 2....

My improved grip-rest may be formed integral with the rim of the steering wheel as shown in Fig. 8, but I prefer to make it removable as an attachment for any make of car and also to make it adjustable to suit the requirements or fancy of the driver. [Emphasis added]

A review of Figures 3 and 5, as annotated by the Examiner, attempts to show that the grip-rest of Van Arsdel is disposed outward at an angle  $\alpha$  to a plane across the face of the steering wheel shows that the Examiner's position is misplaced. As the description above from Van Arsdel indicates, the grip-rest is disposed as shown in Figure 6 parallel to the plane across the face of the steering wheel not at angle to it. This is very clear because in each disposition of the grip-rest in the Figures, it is fixed in this parallel plane

to support the thumb or part of the palm. It is also fixed so that it is not deformable so the driver can put extensive pressure on it (and it will not move) for steering the automobile (See underscored sections in the quotation above).

If the grip-rest were supposed to be at an angle commensurate with the present invention as the Examiner contends, its disposition would be shown differently in the drawings. As such, there is not support for the Examiner's contention that the grip-rest is disposed other than in the plane parallel to the plane across the form of the steering wheel. Accordingly, one skilled in the art would not understand the grip-rest in Van Arsdel to be disposed as the Examiner contends.

There is also no support in the description of the grip-rest in Van Arsdel that it will deform in any way out of interference with the operation of the steering wheel. Applicant submits he is justified in taking this position given the description of the connection of the grip-rest as shown in Figure 6 or the integrally formed grip-rest shown in Figure 8. Therefore, the grip-rest of Van Arsdel would not anticipate the invention as set forth in claim 14 because it is missing at least one element, i.e., Van Arsdel at least does not teach or suggest the features of the second section being deformable out of interference with the operation of the steering wheel as set forth in claim 14.

Noting in the foregoing, Applicant has demonstrated that the auto steering wheel grip-rest of Van Arsdel does not anticipate (or render obvious) the invention of claim 14. Accordingly, Applicant respectfully requests that the anticipation rejection based on Van Arsdel be withdrawn.

Claims 15-17, 19/17, 24/14, and 27 depend from claim 14. As such, each of these dependent claims includes all the features of claim 14. Therefore, claims 15-17, 19/17, 24/14, and 27 are not anticipated by Van Arsdel for the same reasons that claim 14 is not anticipated by this patent. Thus, Applicant has traversed the Examiner's basis for rejecting claims 15-17, 19/17, 24/14, and 27 for anticipation and respectfully requests that this rejection be withdrawn.

### **C. Anson Does Not Anticipate Claims 14-17, 19/17, 24/14, and 27**

The Examiner has rejected claims 14-17, 19/17, 24/14, and 27 for anticipation based on Anson. Referring to the Figures of Anson, the Examiner states that reference

no. 13 equates to the first section and reference no. 11 equates to the second section of claim 14. The Examiner has annotated Figure 8 to indicate that the steering wheel attachment of Anson is disposed at an angle  $\alpha$  with respect to a plane across the face of the steering wheel. Before addressing the Examiner's basis of rejection, Applicant submits that the description of the steering wheel attachment of Anson is germane to the Examiner's position on anticipation. Applicant also submits that if this description is taken into consideration, the Examiner should withdraw the anticipation rejection based on Anson.

In the description of the purpose of the steering wheel attachment in Anson, the patent states (Page 1, left column, lines 6-25):

I have found that in the driving of an automobile and particular when driving for extended periods of time over long distances, the normal manner of holding and manipulating the steering wheel, wherein both driver's hands grasp the wheel in positions which require the driver's arms to remain in a raised and more or less unnatural and uncomfortable position, considerable strain develops in the driver's hands, arms, shoulders and back particularly, and results in excess of fatigue, such as will frequently dull the driver's normal reflexes and alertness and thereby increase the danger of accidents.

To obviate these disadvantages, I have devised an attachment for steering wheels, which permits a driver to assume a completely comfortable and relaxed driving position, while at the same time, affords a means permitting the driver to at all times retain positive operating control of the steering wheel. [Emphasis added]

The steering wheel attachment of Anson is subsequently described in the patent. The following description is stated (Page 1, right column, line 49 – Page 2, left column, line 18):

The attachment comprises a hand grip portion 11, which is preferably of bulbular form.... Grip portion 11 normally extends downward from the wheel rim and is of suitable length to adapt same to extend to the region of the driver's lap so that it may be grasped by the driver's hand when his hand is resting in a normal comparable position in his lap. Grip portion 11...which will have sufficient pliability...to be deflected from its normal pendant position without adversely affecting the measure of control of the steering wheel movements afforded by the positive operating movement of the attachment, while at the same time, neck 12 will retain sufficient rigidity to permit operating movements of hand grip 11 to be positively

communicated to the steering wheel rim for effective control of its movements. [Emphasis added]

Applicant submits that the steering wheel attachment of Anson does disclose all of the elements of claim 14. As set forth in the quotation above, the steering wheel attachment of Anson is a pliable structure that dangles downward from the bottom of the steering wheel. It is further understood from the quotation above that in use the steering wheel attachment is grasped by the driver's hand while the arms and hands are resting in the driver's lap. There is no teaching in Anson that the steering wheel attachment can be disposed of any location other than at the bottom of the steering wheel where it dangles for use. The other dispositive of the hand grip at the top of rim is for situations where it is removed from use.

The Examiner has cited Anson at Page 2, Left Column, Lines 62-72, as teaching the deformability element of the second section in claim 14. As the quotation above demonstrates, when the Anson handgrip is in use, it is in the pendent position and used to steer the vehicle. If, during normal operations, the driver were to grab the steering wheel in an emergency situation, he would release the handgrip and grab the wheel, for example, at the 10 and 2 o'clock positions. In doing so, the pendent-hanging handgrip would not be deformed as set forth in claim 14 because it would not be in use. Moreover, if it were used, it would not be deformed out of interference but would be held to steer the vehicle.

The Examiner has stated the handgrip of Anson equates to deformation according to claim 14 because it may be moved from the bottom pendent position to the top of the steering wheel. When the handgrip is moved to the top, it is moved there to be purposefully out of use all the time so it will not be in a position to be deformed as set forth in the second section of claim 14.<sup>1</sup> In order to move the handgrip, it would be understood that the vehicle would have to be stopped, the handgrip detached and repositioned at the top, and reattached.

Given the foregoing, the steering wheel attachment of Anson at least does not indicate the element of the second section being disposed outward at an angle from the plane across the face of the steering wheel (Anson extends rearward) and it does not

<sup>1</sup> Anson, page 2, left column, lines 68-72.

teach that the attachment will be deformable out of interference with the operation of the steering wheel as set forth in claim 14.

Applicant has demonstrated that claim 14 is not anticipated (or rendered obvious) by Anson and requests that the anticipation rejection based on this patent be withdrawn.

Claims 15-17, 19/17, 24/14, and 27 depend from claim 14. As such, each of these dependent claims includes all the features of claim 14. Therefore, claims 15-17, 19/17, 24/14, and 27 are not anticipated by Anson for the same reasons that claim 14 is not anticipated by this patent. Applicant has traversed the Examiner's basis for rejecting claims 15-17, 19/17, 24/14, and 27 for anticipation and respectfully requests that this rejection be withdrawn.

**D. Laubach Does Not Anticipate Claims 14, 18, and 19/18**

The Examiner has rejected claims 14, 18, and 19/18 for anticipation based on Laubach. In formulating the rejection based on Laubach, the Examiner has not relied on any part of the disclosure in that patent but has annotated the drawings to allegedly show that Laubach teaches each and every feature of claim 14. The Examiner states that reference nos. 7 and 8 of the knob 2 equates to the first section and reference no. 10 equates to the second section of claim 14. Applicant submits that the Examiner's reliance on Laubach is misplaced.

Laubach states the following with regard to the knobs attached to the steering wheel (Page 1, line 43 – 71):

By particularly considering the Figures 2 and 3, it will be seen that the knobs 2 are secured to the rim of the wheel 1 by means of securing screws 4, these screws being threaded as indicated at 5 longitudinally through the knobs 2, and extending for quite a distance through the entire length of the knobs, thereby efficiently bracing the same. The inner ends of the knobs 2 are concave as indicated at 6, so as to conform to the contour of the outer periphery of the wheel 1....

Each knob 2 is provided with a plurality of finger sockets 9 upon the upper face thereof, and an enlarged head portion 10 at the outer end thereof, for the purpose of facilitating the gripping of the knob and preventing the actual slippage of the hand of the operator from the knob 2. [Emphasis added]



The Examiner has annotated the drawings to attempt to show that enlarged head 10 is disposed outward at an angle from the plane across the face of the steering wheel. This is not supported.

The hands of the driver are supported by gripping the knobs in the defined finger recesses shown in the drawings. The heads 10 are enlarged for this sole purpose of preventing the hands from slipping off of the knobs. The heads 10 clearly are not disposed at an angle outward of the plane across the face of the steering wheel but are placed at the end of the knobs solely to act as a stop. Further, the heads 10 are not deformable out of interference with the operation of the steering wheel as set forth in claim 14. They are fixed in place along with the rest of the knobs.

The description of the knobs and a review of the Figures makes plain that the knobs are not deformable and they are not disposed at an angle with respect to the a plane across the face of the steering wheel. The knobs are rigidly connected to the steering wheel by screws 5. Any movement of them requires removing the screws, drilling the wheel at a new location, and reattaching the knobs at the new location. At this new location, the knobs will in a plane parallel to the plane across the face of the steering wheel.

The knobs do not deform out of interference with the operation of the steering wheel as in the second section of claim 14. In fact, once the Laubach knobs are secured by screws 5 as shown and described, they are fixed and not movable during normal operations. If they are not unscrewed, the only movement would be to apply a destructive force to the knobs, thereby breaking them.

Therefore, Laubach at least does not teach the features of the second section being disposed outward at an angle from the plane across the face of the steering wheel and the knobs of Laubach do not deform out of interference with the operation of the steering wheel as set forth in claim 14.

Applicant has demonstrated that claim 14 is not anticipated (or rendered obvious) by Laubach and requests that the anticipation rejection based on this patent be withdrawn.

Claims 18 and 19/18 depend from claim 14. As such, each of these dependent claims includes all the features of claim 14. Therefore, claims 18 and 19/18 are not anticipated by Laubach for the same reasons that claim 14 is not anticipated by this

patent. Therefore, Applicant has traversed the Examiner's bases for rejecting claims 18 and 19/18 for anticipation and respectfully requests that this rejection be withdrawn.

Please charge any fees which may be due, or credit any overpayments, to our  
Deposit Account No. 08-0219.

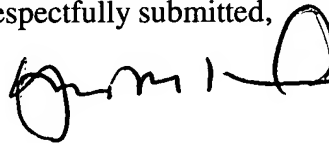
### III. Conclusion

In this Response, Applicant has traversed Examiner's (i) objection to the drawings, (ii) objection to the specification, (iii) and anticipation rejections under 35 U.S.C. 102(b) based on either Van Arsdel, U.S. Patent No. 2,118,540; Anson, U.S. Patent No. 2,134,020; and Laubach, U.S. Patent No. 1,575,848. As such, Applicant has placed the present application in condition for allowance.

The present invention is new, non-obvious and useful. Reconsideration and allowance of the claims are respectfully requested.

Dated: 7/31/06

Respectfully submitted,



Wayne M. Kennard  
Attorneys for the Applicant

Wilmer Cutler Pickering Hale and Dorr LLP  
60 State Street  
Boston, MA 02109  
Tel: 617-526-6183  
Fax: 617-526-5000  
Attorney Docket Number: 114089.121US1